

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BLUE SPIKE, LLC,

Plaintiff

v.

AUDIBLE MAGIC CORPORATION

Defendant

Civil Action No. 6:15-CV-00584-RWS-CMC

AUDIBLE MAGIC CORPORATION,

Counterclaim Plaintiff

v.

BLUE SPIKE, LLC, BLUE SPIKE, INC. and
SCOTT A. MOSKOWITZ

Counterclaim Defendants

BLUE SPIKE, LLC,

Plaintiff

v.

WIOFFER LLC, FACEBOOK INC.,
MYSPACE LLC, SPECIFIC MEDIA LLC,
PHOTOBUCKET.COM INC.,
DAILYMOTION INC., DAILYMOTION
S.A., SOUNDCLOUD INC.,
SOUNDCLOUD LTD., MYXER INC.,
QLIPSO INC., QLIPSO MEDIA
NETWORKS LTD., YAP.TV INC.,
GOMISO INC., IMESH INC., METACAFE
INC., BOODABEE TECHNOLOGIES INC.,
TUNECORE INC., ZEDGE HOLDINGS
INC., HARMONIX MUSIC SYSTEMS INC.,
BRIGHTCOVE INC., COINCIDENT.TV
INC., ACCEDO BROADBAND NORTH
AMERICA INC., ACCEDO BROADBAND
AB, MEDIAFIRE LLC.

Defendants

Civil Action No. 6:15-CV-00585-RWS-CMC

JOINT NOTICE OF FILING PROPOSED FINAL JUDGMENT

Pursuant to the Court's Standing Order on Dismissal of Actions in Cases Pending Before Judge Robert Schroeder dated January 15, 2016, Plaintiff and Counter-Defendant, Blue Spike LLC, Counter-Defendants Blue Spike Inc., and Scott A. Moskowitz and Defendants Audible Magic Corp. ("Audible Magic"), on behalf of itself and on behalf of its customers WiOffer LLC, Facebook Inc., Myspace LLC, Specific Media LLC, Photobucket.com Inc., Dailymotion Inc., Dailymotion S.A., Soundcloud Inc., Soundcloud Ltd., Myxer Inc., Qlipso Inc., Qlipso Media Networks Ltd., Yap.tv Inc., GoMiso Inc., Imesh Inc., Metacafe Inc., Boodabee Technologies Inc., Zedge Holdings Inc., Harmonix Music Systems Inc., Brightcove Inc., Coincident.tv Inc., Accedo Broadband North America Inc., Accedo Broadband AB and MediaFire LLC (collectively Audible Magic and its customers are the "Defendants"), hereby file this Notice of Filing Proposed Final Judgment (attached to this notice).

The parties have met and conferred and agree to the attached Proposed Final Judgment.

Accordingly, the Parties respectfully submit the attached Proposed Final Judgment for entry by the Court.

<p>DATED: July 6, 2016</p> <p>By: <u>/s/ Randall Garteiser</u> Randall T. Garteiser Lead Attorney Texas Bar No. 24038912 rgarteiser@ghiplaw.com Christopher A. Honea Texas Bar No. 24059967 chonea@ghiplaw.com Christopher S. Johns Texas Bar No. 24044849 Kirk J. Anderson California Bar No. 289043 kanderson@ghiplaw.com</p>	<p>Respectfully submitted,</p> <p>By: <u>/s/ Eric H. Findlay</u> Eric H. Findlay Texas Bar No. 00789886 efindlay@findlaycraft.com Walter W. Lackey, Jr. Texas Bar No. 24050901 efindlay@findlaycraft.com Findlay Craft, P.C. 102 N. College Ave, Suite 900 Tyler, Texas 75702 (903) 534-1100 (903) 534-1137 fax</p>
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<p>Molly A. Jones California Bar No. 301419 mjones@ghiplaw.com Garteiser Honea, P.C. 119 W. Ferguson Street Tyler, Texas 75702 (903) 705-7420 (888) 908-4400 fax</p> <p><i>Attorneys for Blue Spike, LLC, Blue Spike, Inc. and Scott A. Moskowitz</i></p>	<p>Gabriel M. Ramsey Lead Attorney California Bar No. 209218, admitted E.D. Texas gramsey@orrick.com I. Neel Chatterjee California Bar No. 173985, admitted E.D. Texas nchatterjee@orrick.com Orrick, Herrington & Sutcliffe LLP 1000 Marsh Road Menlo Park, California 94025 (650) 614-7400 (650) 614-7401 fax</p> <p>Alyssa M. Caridis California Bar No. 260103, admitted E.D. Texas acaridis@orrick.com Orrick, Herrington & Sutcliffe LLP 777 S. Figueroa St., Suite 3200 Los Angeles, California 90017 (213) 629-2020 (213) 612-2499 fax</p> <p>Christopher J. Higgins Washington D.C. Bar No. 498165, admitted pro hac vice chiggins@orrick.com Orrick, Herrington & Sutcliffe LLP 1152 15th Street, N.W. Washington, D.C. 20005-1706 (202) 339-8400 (202) 339-8500</p> <p><i>Attorneys for Audible Magic Corp.</i></p>
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CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing *via* electronic mail to all counsel of record.

/s/ Eric H. Findlay
Eric H. Findlay